

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-36 are currently pending. Claims 1, 13, and 25 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-7, 13-19, and 25-31 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,414,494 to Aikens et al. (hereinafter “the ‘494 patent”) in view of U.S. Patent No. 6,237,143 to Fontana et al. (hereinafter “the ‘143 patent”); and Claims 8-12, 20-24, and 32-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘494 and ‘143 patents, further in view of U.S. Patent No. 5,706,434 to Kremen et al. (hereinafter “the ‘434 patent”).¹

Applicants wish to thank the Examiner for the interview granted Applicants’ representative on September 18, 2007, at which time a proposed amendment to the claims was discussed. At the conclusion of the interview, the Examiner indicated that the proposed amendment would likely overcome the outstanding rejection of the claims.

Amended Claim 1 is directed to a system for collecting information regarding execution of a target software application residing in a device unit, the system comprising: (1) a monitoring software device having a plurality of monitoring components including an event logger, the monitoring device residing in the device unit; (2) a target application software interface configured to receive event data of the target software application and a plurality of instructions regarding monitoring of the target software application from the target software application for processing by the monitoring device, the target application

¹ Applicants note, however, that page 8 of the outstanding Office Action rejects Claims 20-24 and 32-36 based on only the ‘494 and ‘434 patents. However, based on the fact that Claims 13 and 25 were rejected based on the ‘494 and ‘134 patents, Applicants believe that Claims 20-24 and 32-36 were meant to be rejected based on the combined teachings of the ‘494, ‘143, and ‘434 patents.

interface residing in the device unit; and (3) a system resource residing in the device unit and having at least one system resource component shared among the plurality of monitoring components using at least one abstract class, wherein the device unit is one of an image printing device and an appliance unit. Further, Claim 1 has been amended to clarify that the monitoring software device is configured to process the instructions sent from the target software application, wherein the instructions include instructions for sending previously stored event data of the target software application to a remote site, instructions for setting a data format and a communication protocol by which the previously stored event data is to be sent to the remote site, and instructions for storing the event data of the target software application in a local disk. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.²

The '494 patent is directed to a method of automatic notification to a selected remote device in response to machine conditions detected by a machine monitoring element. As shown in Figures 2 and 3, a copier machine includes application system software 150 and a controller processor 196, dynamic memory 155, an event log 158, and a physical data file 185. The '494 patent discloses that event data are input as they occur by the application system software 150 into the dynamic memory 155. Further, the '194 patent discloses that data stored in the event logger file 158 and/or the crash logger file 171 are stored in the physical data file 185 for evaluation, and can then be accessed by a service representative or stored for transmission to a remote location.³ Further, as shown in Figures 6 and 7, the '494 patent discloses that a user can preset certain conditions, that if met, would cause a processor to send event information to a remote device. However, Applicants note that these conditions are preset conditions that a user is able to set prior to operation of the imaging device.

² See, e.g., page 31 of the originally filed specification.

³ See '494 patent, column 5, lines 51-65.

However, Applicants respectfully submit that the '494 patent fails to disclose a target application software interface configured to receive event data of the target software application and a plurality of instructions regarding monitoring of the target software application, wherein the instructions include instructions for sending previously stored event data of the target software application to a remote site and instructions for setting a data format and a communication protocol by which the previously stored event data is to be sent to the remote site, as recited in amended Claim 1. Rather, the '494 patent merely discloses that event data is received by a RAM 155 from an application, and that later, the processor 196 determines, based on user-set conditions, whether the event data should be sent to a remote device.

The '143 patent is directed to a method for monitoring and capturing a pattern of all file usage of a software tool. As shown in Figure 3, a tool wrapper 30 requests that a file filter 18 monitor the input/output operations of the software tool 17. However, Applicants respectfully submit that the '143 patent fails to disclose a target application interface configured to receive event data of the target software application and a plurality of instructions regarding monitoring of the target software application from the target software application for processing by the monitoring device, as recited in amended Claim 1. Applicants respectfully submit that the '143 patent fails to disclose that the monitoring software device is configured to process the instructions sent from the target software application, wherein the instructions included instructions for sending previously stored event data of the target software application to a remote site and instructions for setting a data format and a communication protocol by which the previously stored event data is to be sent to the remote site, as recited in amended Claim 1.

Thus, no matter how the teachings of the '494 and '143 patents are combined, the combination does not teach or suggest the target application software interface or the

monitoring software device recited in amended Claim 1. In particular, the combined teachings of the '494 and '143 patents fail to disclose that the instructions include instructions for setting a data format and a communication protocol by which the previously stored event data is to be sent to the remote site, as recited in amended Claim 1. Accordingly, Applicants respectfully submit that the rejection of Claim 1 (and all similarly rejected dependent claims) is rendered moot by the present amendment to Claim 1.

Independent Claims 13 and 25 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 13 and 25 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 13 and 25 (and all similarly rejected dependent claims) are rendered moot by the present amendment to independent Claims 13 and 25.

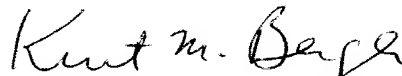
Regarding the rejection of dependent Claims 8-12, 20-24, and 32-36 under 35 U.S.C. § 103(a), Applicants respectfully submit that the '434 patent fails to remedy the deficiencies of the '494 and '143 patents, as discussed above. Accordingly, Applicants respectfully submit that the rejections of the above noted dependent claims are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 1, 13, and 25 (and all associated dependent claims) patentably define over any proper combination of the '143, '494, and '434 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Registration No. 34,648
Attorney of Record

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Kurt M. Berger, Ph.D.
Registration No. 51,461

JJK/KMB/law

I:\ATTY\KMB\194'S\194543US\194543US-AF-DUE11OCT07.DOC